

DDA Registry
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MEMORANDUM FOR: Deputy to the DCI for the Intelligence
Community

FROM : John F. Blake
Deputy Director for Administration

SUBJECT : IC Staff Participation in the FOIA/
Privacy Process

STATINTL

1. In the past several weeks, your Staff has raised with us the question as to what degree we could be of assistance in reducing the IC workload and time commitment involved in the process of handling FOIA/Privacy Act requests and appeals. The latest such discussion was between Mr. [] and Mr. McMahon on 26 May. I believe we can offer suggested courses of action which would meet the requirements of law and, at the same time, reduce to the minimum the time required of you and your senior executives. I think such an approach is warranted since full participation in the initial request and appeal phases of FOIA/Privacy requires a commitment of time and effort that is unwarranted by the volume of requests directly involving the IC Staff.

2. Specifically, I should like to propose the following:

a. That for purposes of FOIA/Privacy administration the IC Staff continue to be dealt with as a CIA component even after the Staff's relocation to the Selective Service System building.

b. In the initial request phase, requests for which the IC Staff has responsive documents would be forwarded to the Staff for an initial decision to release or deny by your designated officials. In accordance with the law, these officials would be identified by name and organizational title in subsequent correspondence with the requester.

c. In the appeal phase, I would recommend a deviation from our previous procedure. As you are aware, the incumbent of your position is legally designated as a member of the Information Review Committee, the Agency's appeal body. I would propose that we let this legal designation stand so as to permit your participation in appeal decisions where it is clearly required. However, I do not feel that your regular participation in the IRC meetings and the time-consuming appeal process is essential. Rather, I would suggest that appeal cases involving IC cases of a routine nature and importance be assigned by me, as Chairman of the IRC, to one of the other IRC members for decision with the clear understanding that should that designated action member disagree with the recommendations of your Staff the matter would be promptly referred to you for decision under the legal authorities you possess. Such a course would allow you to avoid continuing participation in IRC matters but would, at the same time, allow you to step in on any case where disagreement, sensitivity or importance warranted your involvement.

3. These proposals should not be construed as any desire on my part to exclude you from the FOIA/Privacy process. Your full participation would be most welcome should that be your desire. However, your Staff is correct in its feeling that such full participation would require an investment of time that may not be appropriate given the limited cases directly involving your Staff.

4. Please let me know your preferences in this matter.

STATINTL

/s/ John F. Blake

John F. Blake

AI/DDA ☐ :ydc (28 May 1976)

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